

REMARKS

Claims 1-30 have been rejected under 35 U.S.C. §102(b) as being anticipated by DePuydt et al. (US 6,574,820), the equivalent of EP 1 093 770 A2, discussed in the background of this application, cited in the information disclosure statement filed with the US application, and co-owned with this application. Applicants respectfully disagree with the conclusion that the DePuydt publications anticipate the invention recited in the rejected claims.

All of the rejected claims feature, for example, a cam control surface and a cooperating engagement element (i.e., cam follower) as driving elements that change the position of the movable bristle support segments relative to each other as a function of a position of the bristle support – with the driving means provided on the brush head support and at least one bristle support segment. For example, Applicants' Fig. 2 shows an undulating cam control surface 14 on the brush head housing, and a cooperating follower 15 on one of the movable bristle supports. In another example, shown in Fig. 4, a cam surface 20 formed as a surface of housing 4 is engaged by surface 21 of bristle support 9.

The cited reference does feature bristle support segments that move relative to each other and to the housing, but the characteristics of such movement are all determined by aspects of connection with the drive shaft and between the segments – not by driving elements that include a cam surface or follower *provided on the brush head support*. It was not until this invention by Applicants (including one of the co-inventors named on the cited reference) that it was determined that driving engagement with the brush head housing itself could, in the context of brush head constructed with multiple bristled segments as recited in the claims, provide for relative motion between the segments, thus simplifying the internal coupling to the drive shaft.

Therefore, as the features of the last paragraph of rejected claims 1 and 21 are not found in the cited reference, Applicants respectfully submit that the rejection under 35 U.S.C. §102(b) is improper.

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Filed : October 25, 2004
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Furthermore, Applicants contend that the latest rejection was prematurely made 'final.' As noted above, the newly cited reference is identical, as to all features relevant to the new rejection, to the EP 1 093 770 A2 reference cited upon filing and previously considered. Therefore, the new ground of rejection was not necessitated by any amendment to the claims or as a result of information newly submitted. According to MPEP §706.07(a), a second or subsequent action containing such a new ground of rejection should not be made final. Of course, it is Applicants' hope that the above remarks will be sufficient to illustrate the patentability of the pending claims over the cited reference, in which case whether the last action was or was not prematurely made final will be of no real import.

No fees are believed due. Please apply any charges or credits to deposit account 06-1050, referencing the above attorney docket number. This reply is being filed on the two-month early response deadline.

Respectfully submitted,

Date: February 17, 2010



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